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September 21, 1995

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Commissioner Reed Hundt, Chairman
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

Re: MM Docket No. 93-48: Children's Television

Dear Chairman Hundt,

I am writing in support of the Commission's efforts to increase the quantity of educational and informational programming intended for children on television. Since the passage of the Children's Television Act of 1990 ("the Act"), little has been accomplished to implement this important milestone. Licensees appear to be operating on the assumption that the Commission is not prepared to set a strong standard and, therefore, it would put them at a competitive disadvantage to do anything more than the minimum. The minimum for children that a licensee can get away with in the commercial marketplace is, unfortunately, less than the public interest requires.

I understand that your final decision on this matter is due shortly, so I am writing to urge the FCC to adopt a strong, unambiguous standard that would:

1. Require each licensee to air no fewer than 3 hours of qualified children's programming per week initially, rising to 5 hours per week by the year 2000.
2. Define qualified children's programming to include only programs that were specifically designed to educate or inform children, and which are aired after 7 am and before 10 pm; and
3. Prohibit "trading", or taking credit for hours already being aired on PBS or other stations.

All broadcasters, children, parents and regulators would benefit from your adoption of such regulations in order to replace the vague and subjective tests that are currently in force.

Broadcasters would benefit because it would provide them with a clear standard to meet instead of the vague and subjective nature of the current requirements. In a competitive world,

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vague standards invite a rush-to-the-bottom, which is certainly what we have been witnessing on commercial television recently despite the passage of the Act. In contrast, establishing a minimum number of hours will make clear to every broadcaster their obligation to serve children. It is for this reason that the Independent Television Association, representing non-network broadcasters, favors setting a minimum number of educational shows per week on each licensee's channel.

Children will benefit both from the content of the shows and from seeing for themselves that our society has a commitment to educating all Americans regardless of background or income.

Parents will benefit from the wider range of educational choices for their children and from a standard that values educating our children at least as much as providing air time for new talk shows.

And regulators will have a clearer understanding of when a broadcaster is meeting the requirements of the Act.

As you know, television and children have proved to be a powerful combination. Many children spend more time watching television than they do in school or in interacting with their parents. It has been estimated that the average American child watches more than 25 hours per week. Hardly any of that programming is educational, and much of what does qualify as educational gets aired before 7 am.

The reason that broadcasters give for failing to air educational programming is that it does not attract audiences as large as the alternatives. That's true, and that's the point. As Bob Keeshan (aka "Captain Kangaroo") told the FCC at a hearing in 1983:

...[I]f I had a large audience, I'd start questioning what I was doing wrong. Fifteen percent of this nation is the total juvenile audience. How can I possibly, by commercial network standards, build a large audience when I start with that small number? So there is no good commercial reason for doing quality-oriented children's programming. The marketplace will not take care of the child audience (emphasis added).

Last month, the Congress was asked to vote on an issue involving children and television--the V-chip. Parents supported it, broadcasters opposed it, and the leaders of the majority party in both the House and Senate worked mightily to defeat it. It passed because our elected representatives listened to their constituents.

You are now faced with a similar challenge and a similar opportunity. Families are asking us to take steps to improve our society, our culture and our standards, starting with television

and kids. The Children's Television Act has placed in you the responsibility for serving children. You are one of only five who have the power to give meaning to the Act. Your leadership at this critical moment can be like a breath of fresh air for all Americans.

As you balance the pro-child mission of the Act against the modest adverse commercial impact on some licensees, I urge you to side with children.

Sincerely,

A handwritten signature in black ink that reads "Ed Markey". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Edward J. Markey
Member of Congress